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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|-----------------|-------------|----------------------|---------------------|------------------|

10/726,348

12/03/2003

Marion Calmer

USPA0035

4001

33512 7590 01/07/2009
HAMILTON IP LAW, PC
331 W. 3RD ST.
NEW VENTURES CENTER SUITE 120
DAVENPORT, IA 52801

EXAMINER

TORRES, ALICIA M

ART UNIT

PAPER NUMBER

3671

MAIL DATE

DELIVERY MODE

01/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10726348 | 12/3/2003 | CALMER, MARION | USPA0035 |

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EXAMINER

ALICIA M. TORRES

| ART UNIT | PAPER |
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20090105

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Commissioner for Patents

The reply filed on 30 September 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the applicant claims that the subject matter the examiner considers New Matter in claims 62 and 85 is supported by the Original Disclosure. However, the applicant needs to show that all information needed to arrive at the 60 inches was disclosed and available to one of ordinary skill in the art at the time of filing. The examiner cannot find in Exhibits A-1 or B-1 where one of ordinary skill would arrive at a relevant length of the stalk roll of 17 inches from a given length in Exhibit A-1 of 22 inches. Additionally, the applicant does not explain the significance of the at least 60 inches when the actual amount of plant stalk through the calculations arrived at is 65 inches. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/Alicia M Torres/
Primary Examiner, Art Unit 3671